

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

and

STATE OF NEW YORK,

Plaintiffs,

V.

TWIN AMERICA, LLC, et al.

Defendants.

Civil Action No.
12-cv-8989 (ALC) (GWG)

ECF CASE

PARTIES' JOINT MOTION TO ADJOURN PRETRIAL DEADLINES IN ORDER TO FINALIZE SETTLEMENT

Plaintiffs United States of America and State of New York (collectively, “Plaintiffs”) and Defendants Coach USA, Inc., International Bus Services, Inc., Twin America, LLC, CitySights LLC, and City Sights Twin, LLC (collectively, “Defendants,” and, together with Plaintiffs, the “Parties”), through their undersigned counsel, hereby jointly move this Court to adjourn the deadlines in the Pretrial Scheduling Order (Docket No. 110) by two months while the Parties work to finalize a settlement of the above-captioned litigation.

1. The Parties have reached an agreement in principle to settle the litigation. The Parties are currently drafting the settlement papers and pursuing related regulatory approvals and hope to be in a position to present the settlement to the Court next month.

2. Under the Pretrial Scheduling Order entered by this Court on November 17, 2014 (Docket No. 110), trial is set to begin on February 23, 2015, and there are numerous pretrial

submissions that must be exchanged and filed prior to that date. In order to avoid the substantial expense associated with trial preparation work that would become unnecessary if the Parties finalize the settlement, and to devote the resources necessary to finalize the settlement, the Parties request a two-month extension of all deadlines in the Pretrial Scheduling Order.

3. The Parties believe that a two-month extension should provide sufficient time to finalize the settlement papers, secure related regulatory approvals, and file the settlement with the Court. Once the Parties file the settlement with the Court, the Parties will seek a permanent adjournment of all remaining pretrial deadlines under the Pretrial Scheduling Order.

4. When the Parties file the proposed settlement, the Court will have the opportunity to review it pursuant to the Antitrust Procedures and Penalties Act (“APPA”), 15 U.S.C. § 16(b)-(h), which applies to civil antitrust cases brought and settled by the United States. The APPA provides for a public notice and comment period, and requires the Court to determine whether the proposed settlement is in the public interest.

5. In the unlikely event that additional time to finalize the settlement is needed, the Parties will notify the Court and request appropriate relief.

6. A Proposed Order Granting the Parties’ Joint Motion to Adjourn Pretrial Deadlines in Order to Finalize Settlement is attached hereto as Attachment 1.

7. A Proposed Amended Pretrial Scheduling Order reflecting the two-month extension of remaining pre-trial deadlines is attached hereto as Attachment 2.

Dated: December 10, 2014

Respectfully submitted,

/s

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CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the Parties' Joint Motion to Adjourn Pretrial Deadlines to Finalize Settlement, and all attachments hereto, to be served via the Court's ECF System upon the following Parties:

For Defendants Twin America, LLC, CitySights LLC, and City Sights Twin, LLC:

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